

The plaintiff is correct in that the Report and Recommendation did not address the plaintiff's claim of a conflict of interest. The plaintiff argues that the defendant both insures and administers the plan at issue here. "This dual function creates an apparent conflict of interest." *Glenn v. MetLife*, 461 F.3d 660, 666 (6th Cir. 2006) (internal quotation marks omitted), *aff'd*, 128 S. Ct. 2343 (2008) (upholding decision solely regarding conflict-of-interest issues; certiorari only granted as to that issue). To be sure, a conflict of interest is a factor in determining whether a decision was arbitrary or capricious. *Id.* Thus, this Court will consider this conflict in making its determination. In so doing, this Court notes that the plaintiff merely points out that the conflict exists and offers nothing more other than an alleged failure to fully investigate the circumstances surrounding the departure of the 37 other employees.

The Administrative Record shows that Pfizer investigated the departure of the 37 employees, albeit not to plaintiff's preference for thoroughness. The Record also shows that the Administrative Committee reviewed each of the plaintiff's allegations. Moreover, the Record shows that Pfizer has taken steps to eliminate bias in its claims administrations as is evidenced by Ms. Heron's affidavit. When weighing the alleged conflict and the other evidence in the record, there is not enough to establish that the defendant acted arbitrarily or capriciously. Thus, this objection is **OVERRULED**.

E N T E R:

s/J. RONNIE GREER
UNITED STATES DISTRICT JUDGE